

# **EXHIBIT B**

COURT COPY

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

## PROBATION OFFICER'S REPORT

REPORT SEQUENCE NO. 1

DEFENDANT'S NAME(S) JOSE AMBROSIO ESCALANTE				COURT NV-F	JUDGE SCHWAB	COURT CASE NO PA004647 <i>clo.</i>
ADDRESS (PRESENT/RELEASE) 9215 SEPULVEDA, NO. 38, SEPULVEDA, CA 91343				HEARING DATE 12-5-90	DEFENSE ATTY. P.D.	PROSECUTOR D.A.
BIRTHDATE 3-26-63	AGE 27	SEX MALE	RACE HISPANIC	DPO LEMOS	AREA OFFICE ESFV	PHONE NO. 374-2054
CITIZENSHIP STATUS UNDOCUMENTED ALIEN		DRIVER'S LICENSE/EXP. DATE C5340135		TYPE REPORT <input checked="" type="checkbox"/> Probation and sentence <input checked="" type="checkbox"/> Pre-Conviction (131.3 CCP) <input type="checkbox"/> Post sentence <input type="checkbox"/> Diversion (Specify) _____		
PROBATION NO. X-211382		CII NO. A08735712		BOOKING NO. 2190024		
DAYS IN JAIL THIS CASE <input type="checkbox"/> ESTIMATED 70		CUSTODY STATUS/ <del>XXXXXX</del> DATE NCCF				

## PRESENT OFFENSE: LEGAL HISTORY

CHARGED with the crimes of (INCLUDE PRIORS, ENHANCEMENTS OR SPECIAL CIRCUMSTANCES)

COUNT I: 245(A)(1) PC (ASSAULT GREAT BODILY INJURY WITH DEADLY WEAPON),  
PLUS PC 12022.7.  
 COUNT II: 205 PC (AGGRAVATED MAYHEM)  
PLUS PC 12022(B).

*DE 305 130*

CONVICTED of the crimes of (INCLUDE PRIORS, ENHANCEMENTS OR SPECIAL CIRCUMSTANCES)

N/A - PRE-PLEA

CONVICTED BY N/A	DATE OF CONVICTION/REFERRAL 10-30-90	COUNT(S) CONTINUED TO P & S FOR DISPOSITION I AND II
PROPOSED PLEA AGREEMENT N/A		SOURCES OF INFORMATION D.A. FILE
DATE(S) OF OFFENSE 9-10-90		TIME(S) 4:20 A.M.
DEFENDANT: <i>I SEE PRIOR RECORD SECTION</i> <input type="checkbox"/> N/A <input checked="" type="checkbox"/> ON PROBATION <input type="checkbox"/> ON PAROLE-REMAINING TIME	SENTENCED TO STATE PRISON/COUNTY JAIL ON CASE <input type="checkbox"/> PENDING PROBATION VIOLATION <input type="checkbox"/> PENDING NEW CASE	
	HOLD/WARRANTS: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

## RECOMMENDATION:

<input type="checkbox"/> PROBATION	<input checked="" type="checkbox"/> DENIAL	<input type="checkbox"/> DIAGNOSTIC STUDY	<input type="checkbox"/> CYA	<input type="checkbox"/> OTHER _____
	<input type="checkbox"/> COUNTY JAIL	<input type="checkbox"/> 707.2 WIC		
	<input checked="" type="checkbox"/> STATE PRISON	<input type="checkbox"/> 1203.03 PC		

1 PRESENT OFFENSE:  
2 (CONTINUED)3 SOURCES OF INFORMATION (this page)  
4 D.A. FILE

5 ARREST DATE	6 TIME	7 BOOKED AS	8 OFFENSE	9 LOCATION OF ARREST	10 ARRESTING AGENCY
9-26-90	1100	ESCALANTE, JOSE AMBROSIO	187(A) PC (ATTEMPTED MURDER)	10250 ETIWANDA	LAPD

11 CO-DEFENDANT(S)	12 CASE NO.	13 DISPOSITION
N/A		

## 14 ELEMENTS AND RELEVANT CIRCUMSTANCES OF THE OFFENSE:

15 ON SEPTEMBER 10, 1990, AT APPROXIMATELY 4:20 A.M.,  
 16 VICTIM JAMES BROOKS GOT INTO AN ARGUMENT WITH THE DEFENDANT. THE  
 17 DEFENDANT WANTED TO BORROW HIS CAR BUT THE VICTIM REFUSED. THE  
 18 DEFENDANT AND SOME OF HIS FRIENDS STARTED HITTING AND KICKING THE  
 19 VICTIM. WHILE THE VICTIM WAS DOWN, THE DEFENDANT STRUCK THE VICTIM  
 20 IN THE EYE WITH A KNIFE PENETRATING THE BRAIN.

21  
 22  
 23  
 24  
 25  
 26  
 27  
 28  
 29 THE DEFENDANT WAS ARRESTED ON SEPTEMBER 26, 1990,  
 WHILE IN CUSTODY ON ANOTHER MATTER.

1 VICTIM:

2 SOURCES OF INFORMATION (this page)  
3 VICTIM

4 NAME		COUNT(S)	
5 JAMES BROOKS		I, II	
6 INJURY: PROPERTY LOSS (TYPE / COST / ETC.) PERMANENT LOSS OF SIGHT TO RIGHT EYE. FRONTAL LOBOTOMY PERFORMED. MEDICAL BILLS IN EXCESS OF \$177,000.			
7 INSURANCE COVERAGE NONE			
8 LOSS: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	9 ESTIMATED LOSS \$177,000	RESTITUTION ALREADY MADE NONE	APPLIED FOR VICTIM RESTITUTION FUND <input type="checkbox"/> UNK <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

## 10 VICTIM STATEMENT:

11 VICTIM BROOKS TOLD THE PROBATION OFFICER THAT ON THE  
 12 NIGHT OF THE ATTACK, HIS GIRLFRIEND WAS ARGUING WITH THE DEFENDANT.  
 13 MR. BROOKS SAYS THAT WHEN HE APPROACHED THE TWO, THE DEFENDANT PULLED  
 14 A KNIFE AND THE VICTIM TRIED TO ESCAPE. WHEN HE SLIPPED IN THE MUD,  
 15 THE DEFENDANT'S FRIENDS KICKED AND HIT VICTIM BROOKS AND THE DEFENDANT  
 16 STABBED HIM IN THE RIGHT EYE. MR. BROOKS SAYS THAT HE BLACKED OUT  
 17 AND DID NOT REMEMBER ANYTHING UNTIL APPROXIMATELY SIX DAYS LATER.

18 VICTIM BROOKS FURTHER STATED THAT HE USED TO BE A  
 19 FRIEND OF THE DEFENDANT AND DID NOT UNDERSTAND THE UNPROVOKED ATTACK.  
 HE WANTS THE DEFENDANT TO PAY FOR WHAT HE DID.

25 RESTITUTION	26 TOTAL NUMBER OF VICTIMS ONE	27 ESTIMATED LOSS TO ALL VICTIMS \$177,000	28 VICTIM(S) NOTIFIED OF P&S HEARING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO 1191.3(B)
29 DOES DEFENDANT HAVE INSURANCE TO COVER RESTITUTION:  <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		30 INSURANCE COMPANY NAME/ADDRESS/TELEPHONE NO.	

1 PRIOR RECORD: SOURCES OF INFORMATION (this page)  
CLET'S (9/28/90), PROBATION RECORDS.

3 AKA'S: JOSE AMBROSIO ESCALANTE, DAVID BETANCUR, JUAN CARLOS GONZALES,  
JUAN CARLOS ESCALANTE

4 JUVENILE HISTORY:

5 NONE.

6 INFORMATION IS NOT AVAILABLE THROUGH PROBATION DEPARTMENT  
7 INQUIRY FIVE YEARS AFTER JUVENILE PROBATION ACTIVITY IS TERMINATED,  
8 AND DEFENDANT ADMITS NO RECORD.

9 ADULT HISTORY:

10 3/16/88 LAPD - 11352 H&S (TRANSPORT/SALES NARCOTIC CONTROLLED  
11 SUBSTANCE). 6/21/88 CASE #A820178, VAN NUYS SUPERIOR  
12 COURT, CONVICTED OF SAME, A FELONY. SENTENCED TO  
13 36 MONTHS PROBATION, 180 DAYS COUNTY JAIL. 3/9/90,  
PROBATION REVOKED BENCH WARRANT ISSUED.

14 (DEFENDANT SAYS THAT HE SOLD TWENTY DOLLARS WORTH OF COCAINE  
TO AN UNDERCOVER POLICE OFFICER.)

15 9/16/89 LAPD - 12021(A) PC (FELON/ADDICT/ETC. POSSESS FIREARM).  
16 9/19/89, CASE #89F10367, SAN FERNANDO MUNI COURT,  
CONVICTED OF A MISDEMEANOR.

17 (THE DEFENDANT DENIES THAT HE WAS ARRESTED FOR BEING IN POSSESSION  
18 OF A FIREARM.)

19 9-14-90 LAPD - 11352 H&S (SALE OF A CONTROLLED SUBSTANCE).  
10-11-90 CASE NUMBER LA005012, CALLED FOR A PRE-  
20 PRE-CONVICTION HEARING, DEPARTMENT NORTHWEST-S. CASE  
CONTINUED TO 12-7-90 FOR TRIAL.

21 (ACCORDING TO PROBATION RECORDS, THE DEFENDANT WAS ARRESTED FOR  
22 SELLING \$30 WORTH OF ROCK COCAINE TO UNDERCOVER OFFICERS.)

23  
24  
25  
26  
27  
28  
29  
a-14-90.

1 PERSONAL HISTORY:

SOURCES OF INFORMATION (this page)

2 DEFENDANT

3 SUBSTANCE ABUSE:

4 \_\_\_\_\_ No record, indication, or admission of alcohol or controlled substance abuse.

5 \_\_\_\_\_ Occasional social or experimental use of \_\_\_\_\_ acknowledged.

6  See below: Indication / admission of significant substance abuse problem.

7 Referred to Narcotic Evaluator  Yes  No

8 \_\_\_\_\_ Narcotic Evaluator's report attached

9 Additional information

10 THE DEFENDANT SAYS THAT HE HAS BEEN SMOKING ROCK COCAINE  
11 ON A WEEKLY BASIS FOR THE LAST TWO YEARS. HE SAYS THAT FROM THE  
12 AGE OF 23 TO ABOUT THE AGE OF 25, HE SMOKED MARIJUANA SEVERAL TIMES  
13 —A WEEK ON A REGULAR BASIS. CURRENTLY, THE DEFENDANT SAYS HE DRINKS  
14 TWO TO THREE BEERS A DAY AND A SIX-PACK OF BEER ON THE WEEKEND.

26 PHYSICAL / MENTAL / EMOTIONAL HEALTH:

27  No indication or claim of significant physical/mental/emotional health problem.

28 \_\_\_\_\_ See below: Indication / claim of significant physical/mental/emotional health problem.

PERSONAL HISTORY: (CONTINUED)		SOURCES OF INFORMATION (this page) DEFENDANT		
RESIDENCE	TYPE RESIDENCE	LENGTH OF OCCUPANCY	X X X X X CAGE/RENT	RESIDES WITH/RELATIONSHIP
	APARTMENT	3 MONTHS	\$125 MO.	FRIEND
RESIDENTIAL STABILITY LAST FIVE YEARS		CAME TO STATE / FROM		CAME TO COUNTY / FROM
FAIR		HONDURAS / 1984		HONDURAS / 1984

#### Additional information

MARRIAGE / PARENTHOOD	MARITAL STATUS SINGLE	NAME OF SPOUSE / PRESENT COHABITANT
LENGTH OF UNION	NO. OF CHILDREN THIS UNION	SUPPORTED BY
NO. PRIOR <del>MAXX</del> COHABITATIONS ONE	NO. OF CHILDREN THESE UNIONS ONE	SUPPORTED BY CHILD'S MOTHER
NO. OF OTHER CHILDREN	SUPPORTED BY	

#### Additional information

FORMAL EDUCATION: THE DEFENDANT HAS A HIGH SCHOOL EDUCATION AND CLAIMS HE COMPLETED ONE YEAR AT A JUNIOR COLLEGE IN THE LOS ANGELES AREA.

1 PERSONAL HISTORY:  
2 (CONTINUED)

## 3 SOURCES OF INFORMATION (this page)

4 DEFENDANT

5 <b>EMPLOYMENT STATUS</b>	<input type="checkbox"/> EMPLOYED <input checked="" type="checkbox"/> UNEMPLOYED	6 REFERRED TO WORK FURLough <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	7 EMPLOYER AWARE OF PRESENT OFFENSE <input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO
8 PRESENT/LAST EMPLOYER / ADDRESS / PHONE N/A	9 OCCUPATION	10 PERIOD OF EMPLOYMENT	11 GROSS MONTHLY WAGE
12 <b>EMPLOYMENT STABILITY LAST 5 YEARS</b> 13 UNABLE TO VERIFY		14 TYPES OF PREVIOUS EMPLOYMENT 15 CONSTRUCTION, POOL CLEANING	
<input type="checkbox"/> VERIFIED <input type="checkbox"/> UNVERIFIED			

## 16 Additional information

17 THE DEFENDANT SAYS HE SUPPORTS HIMSELF THROUGH DAY WORK  
 18 EITHER IN CONSTRUCTION OR POOL CLEANING. HE MAKES ABOUT \$50 TO \$60  
 19 A DAY WHEN WORK IS AVAILABLE.

20 <b>FINANCIAL STATUS</b>	21 <b>INCOME STABILITY</b> 22 POOR	23 <b>NET MONTHLY INCOME</b> 24 N/A	
25 PRIMARY INCOME SOURCE	26 SECONDARY INCOME SOURCE(S)	27 EST. TOTAL ASSETS	28 EST. TOTAL LIABILITIES
29 MAJOR ASSETS / ESTIMATED VALUE			
30 MAJOR LIABILITIES / ESTIMATED AMOUNT (MONTHLY)			

## 31 Additional information

32 GANG ACTIVITY  YES  NO

33 Name of Gang \_\_\_\_\_

1 DEFENDANT'S STATEMENT:

2 DEFENDANT CHOSE NOT TO MAKE A STATEMENT TO THE  
3 PROBATION OFFICER REGARDING THE PRESENT OFFENSE.

4 INTERESTED PARTIES:

5 DR. BENEDON, WHO WAS ON DUTY IN THE EMERGENCY  
6 ROOM AT HOLY CROSS HOSPITAL, THE NIGHT VICTIM BROOKS WAS  
7 INITIALLY TREATED, HAD THE FOLLOWING TO SAY:

8 DR. BENEDON REPORTS THAT VICTIM BROOKS SUSTAINED  
9 A RATHER SEVERE AND COMPLICATED INJURY. HE SAYS THE VICTIM WAS  
10 STABBED WITH ENOUGH FORCE TO CAUSE TRAUMA TO THE EYE AND THE  
11 BRAIN, RESULTING IN BOTH LOSS OF EYESIGHT AND PERMANENT BRAIN  
12 DAMAGE.

13 PROBATION OFFICER SENT A FORM LETTER TO THE  
14 IMMIGRATION AND NATURALIZATION SERVICE ADVISING THEM OF THE  
15 DEFENDANT'S STATUS.

16 EVALUATION:

17 THE DEFENDANT'S BEHAVIOR IN THE PRESENT MATTER  
18 CAN ONLY BE DESCRIBED AS EXTREMELY VIOLENT AND SUB-HUMAN. IT  
19 SEEMS HE WAS NOT CONTENT WITH SIMPLY STABBING THE VICTIM, RATHER  
20 THE DEFENDANT WAS INTENT UPON DOING HIM SERIOUS HARM.  
21 UNFORTUNATELY FOR THE VICTIM, THE DEFENDANT SUCCEEDED IN MAIMING  
22 HIM FOR LIFE. THERE IS ABSOLUTELY NOTHING ABOUT THIS MATTER  
23 THAT JUSTIFIES SUCH A BRUTAL ATTACK.

1                   GIVEN THE EXTREME GRAVITY OF THE OFFENSE, THE  
2 DEFENDANT IS NEITHER ELIGIBLE NOR IS HE VIEWED AS SUITABLE FOR  
3 PROBATION OF ANY KIND. IF THE DEFENDANT IS IN FACT CONVICTED  
4 OF THE CRIMES IN THIS MATTER, A COMMITMENT TO STATE PRISON IS  
5 CLEARLY WARRANTED IN THE MATTER.

6                   SENTENCING CONSIDERATIONS:

7                   THE DEFENDANT IS INELIGIBLE FOR PROBATION.

8                   CIRCUMSTANCES IN AGGRAVATION:

- 9                   1. THE VICTIM WAS PARTICULARLY VULNERABLE.
- 10                  2. THE DEFENDANT INDUCED OTHERS TO PARTICIPATE  
11                  IN THE COMMISSION OF THE CRIME AND OCCUPIED  
12                  A POSITION OF LEADERSHIP OF OTHER  
                    PARTICIPANTS IN THE COMMISSION.
- 13                  3. THE DEFENDANT'S PRIOR PERFORMANCE ON  
                    PROBATION WAS UNSATISFACTORY.

14                  CIRCUMSTANCES IN MITIGATION:

15                  NONE.

16                  GIVEN THE WEIGHT OF THE AGGRAVATING CIRCUMSTANCES,  
17 AS WELL AS THE PERMANENT BODILY INJURY SUSTAINED BY THE VICTIM,  
18 A COMMITMENT TO STATE PRISON FOR THE LENGTHIEST TERM ALLOWABLE  
19 BY LAW, IS CLEARLY WARRANTED IF THE DEFENDANT IS CONVICTED OF  
20 THE CHARGES.

22                  RECOMMENDATION:

23                  IF CONVICTED, IT IS RECOMMENDED THAT PROBATION BE

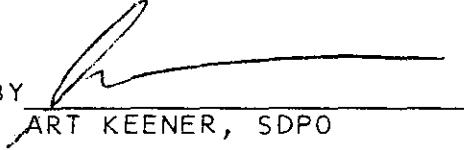
1 DENIED AND THAT THE DEFENDANT BE SENTENCED TO STATE PRISON WITH  
2 PRE-IMPRISONMENT CREDIT OF 70 DAYS; THAT THE COURT ORDER THE  
3 DEFENDANT TO PAY A RESTITUTION FINE OF \$100 AS PROVIDED IN  
4 SUBDIVISION (A) OF SECTION 13967 OF THE GOVERNMENT CODE.

5 RESPECTFULLY SUBMITTED,

6 BARRY J. NIDORF,  
7 PROBATION OFFICER

8 BY   
9 AUGUSTINE LEMOS, DEPUTY  
10 EAST SAN FERNANDO VALLEY AREA OFFICE  
11 374-2054

12 READ AND APPROVED:

13 BY   
14 ART KEENER, SDPO

I HAVE READ AND CONSIDERED  
THE FOREGOING REPORT OF  
THE PROBATION OFFICER

  
15 JUDGE OF THE SUPERIOR COURT

16 (SUBMITTED: 11-27-90)

17 (TYPED: 11-29-90)

18 AL:RH (6)

19 IF PROBATION IS GRANTED, IT IS RECOMMENDED THAT  
20 THE COURT DETERMINE DEFENDANT'S ABILITY TO PAY COST OF PROBATION  
21 SERVICES PURSUANT TO SECTION 1203.1B PENAL CODE. COST OF  
22 PRESENTENCE INVESTIGATION AND PRESENTENCE REPORT - \$412.00. COST  
23 OF SUPERVISION - \$28.00 PER MONTH.